

Novak

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

COMPLAINT UNDER CIVIL RIGHTS ACT 42 U.S.C. § 1983

Action Number

3:24cv674

(To be supplied by the Clerk, U.S. District Court)

Please fill out this complaint form completely. The Court needs the information requested in order to assure that your complaint is processed as quickly as possible and that all your claims are addressed. Please print/write legibly or type.

SEPT. 18 2024

I. PARTIES

A. Plaintiff:

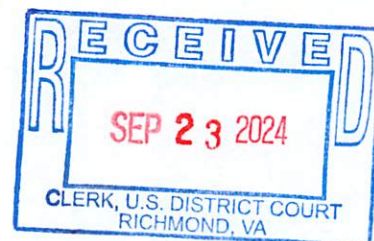
1. (a) Stephen D.A. Wilson (Name) (b) 1003373 (Inmate number)
VA. D.O.C. Central mail Dist. center
 (c) ST. BRIDES C.C. (Address)
3521 Woodsway
State Farm, VA. 23160

Plaintiff MUST keep the Clerk of Court notified of any change of address due to transfer or release. If plaintiff fails to keep the Clerk informed of such changes, this action may be dismissed.

Plaintiff is advised that only persons acting under the color of state law are proper defendants under Section 1983. The Commonwealth of Virginia is immune under the Eleventh Amendment. Private parties such as attorneys and other inmates may not be sued under Section 1983. In addition, liability under Section 1983 requires personal action by the defendant that caused you harm. Normally, the Director of the Department of Corrections, wardens, and sheriffs are not liable under Section 1983 when a claim against them rests solely on the fact that they supervise persons who may have violated your rights. In addition, prisons, jails, and departments within an institution are not persons under Section 1983.

B. Defendant(s):

1. (a) Deputy E. Carlson (Name) (b) Sheriff And Deputy Sheriffs (Title/Job Description)
Newport News Sheriffs office/city jail
 (c) 224 26th St. (Address)

Newport News, VA. 23607

2. (a) Newport News City Jail Medical Dept. (b) Doctors/Nurses
 (Name) (Title/Job Description)
 (c) 224 26th St.
 (Address)
Newport News, VA. 23607
3. (a) D.C. Nottoway C.C. Medical Dept. (b) Doctors/Nurses
 (Name) (Title/Job Description)
 (c) P.O. Box 488
 (Address)
Bucksville, VA. 23922

If there are additional defendants, please list them on a separate sheet of paper. Provide all identifying information for each defendant named.

Plaintiff MUST provide a physical address for defendant(s) in order for the Court to serve the complaint. If plaintiff does not provide a physical address for a defendant, that person may be dismissed as a party to this action.

II. PREVIOUS LAWSUITS

- A. Have you ever begun other lawsuits in any state or federal court relating to your imprisonment? Yes [] No [☒]
- B. If your answer to "A" is Yes: You must describe any lawsuit, whether currently pending or closed, in the space below. If there is more than one lawsuit, you must describe each lawsuit on another sheet of paper, using the same outline, and attach hereto.

1. Parties to previous lawsuit:

Plaintiff(s) _____

Defendant(s) _____

2. Court (if federal court, name the district; if state court, name the county):

3. Date lawsuit filed: _____

4. Docket number: _____

5. Name of Judge to whom case was assigned: _____

6. Disposition (Was case dismissed? Appealed? Is it still pending? What relief was granted, if any?): _____

III. GRIEVANCE PROCEDURE

A. At what institution did the events concerning your current complaint take place: IN Custody of Newport News city Jail or Sheriff's Office.

B. Does the institution listed in "A" have a grievance procedure? Yes [☒] No [☐]

C. If your answer to "B" is Yes:

1. Did you file a grievance based on this complaint? Yes [☒] No [☐]

2. If so, where and when: Between 2/15/24 - 2/27/24
Newport News city Jail - Electronic Tablet Grievance #REFERENCE 18716610

3. What was the result? I WAS TRANSFERRED FROM Newport News city Jail

to Nottoway C.C. on 2/28/24 without ever receiving a reply.

4. Did you appeal? Yes [☐] No [☒]

5. Result of appeal: unable to continue Grievance process FROM N.N.

Not to Nottoway C.C. in Newport News because their process is done by way of Electronic Tablet, and the D.O.C. is done by paper. I WAS TRANSFERRED on 2-28-24
D. If there was no prison grievance procedure in the institution, did you complain to the prison authorities? Yes [☒] No [☐] AND WAS unable to continue.

If your answer is Yes, what steps did you take? I filed several Medical Requests

Between 2/14/24 - 2/28/24 Requesting Medical Attention. REF. # 18714565
for INJURIES sustained from Accident on 2/14/24. REF. # 18742657

E. If your answer is No, explain why you did not submit your complaint to the prison authorities:

IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

- SEPT. 18
2024
1. On Feb. 14, 2024 I and seven other inmates were being transported by NewportNews Sheriff's Office Deputies in a fairly new transport VAN to Nottoway Correction Center in Burkeville, VA., from NewportNews city Jail. We were shackled and cuffed to a waist chain and loaded onto the transport VAN by two NewportNews Sheriff's Deputies, (Driver: Deputy Eugene Carlson and his partner Deputy Mrs. Alexander.) Both Deputies failed to secure ^{me} us into the seatbelts that were available on this fairly new VAN. We left the jail at approx. 7 AM on 2-14-24 and were on the road approx. 2 hrs traveling west bound on Rt. 360, A.K.A. Hull Street Rd., in Chesterfield Co. VA. doing about 60 to 70 M.P.H. in the left lane when the Driver Deputy E. Carlson fell asleep at the wheel and drifted into the center median or RAVERNE that separates the East and west bound lanes. We slammed into a service road that crosses over from west bound to East Bound lanes and that is also elevated as it crosses over the RAVERNE. The violent impact sent the VAN AIRBORNE and vaulted

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me to the ceiling and when the VAN landed, it bounced from side to side and up and down violently as I was bouncing off of the steel cages and other inmates injuring my lower back, neck, and left elbow badly.

After we came to Rest in the bottom of the Ravine I and other inmates told the Deputies immediately, that we were injured. The driver, Deputy E. Carlson ignored our pleas for Medical assistance and instructed his partner to stand outside the VAN as he attempted to drive out ~~out~~ of the RAVINE for several minutes.

As I am screaming at them to please call 911 and telling him he can't leave the scene of an accident, he just continued to ignore all of us and refused to call the Authorities. He only called the Newport News Jail officials and told them that he just ran off the road and got stuck.

We sat there for APPROX. 20 minutes before Chesterfield Co. police officer MR. Smith pulled up on the side of the road about 20 yards behind us. Deputy Carlson RAN up the hill and met Officer Smith at his unit. He talked to him for another 20 minutes without ever coming down to check on us because Deputy Carlson never told Officer Smith of our injuries, and downplayed the severity of the crash.

So as we are sitting there wondering if the police officer was ever going to come down the hill to check us out, a tow truck pulls up and that is when officer Smith finally came down the hill. At this point it had been 45 minutes to an hr. since time of the accident. APPROX. 10 AM

We screamed at the police officer to please check on us, that ~~we~~ we were injured.

He opened the door and asked me what happened. I showed him my elbow that was badly swollen and told him of my injuries and that we were never seatbelted into the seats and that we had been begging Deputy Carlson to call 911 for almost an hr.

It was evident that the Reporting Officer

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MR. Smith WAS NOT AWARE of our injuries and he ASSURED us that an ambulance would be on the way momentarily. Within 10 minutes an Ambulance, fire truck, fire chief who was in control of the accident scene, 3 Chesterfield Co. police officers, and 3 state troopers were on the scene with Chesterfield Co police officer AAR Smith as the Reporting officer. They TRANSFERED each of us from the VAN to the Ambulance one at a time, myself being the last one because of where I ~~was~~ sat in the VAN in the back over the left rear wheel by the window. I had to be helped by multiple officials from the wrecked VAN onto the ambulance. Upon examination by EMTs, they notified the fire chief that I needed to be taken to the Emergency Room. The fire chief and the Reporting officer MR. Smith notified Newport News officials that my injuries Required immediate attention and Requested a transfer of custody so that I could be taken to the EMERGENCY Room. The Fire Chief and Reporting officer both informed me that they were denied the Request of custody transfer and that there was nothing they could do about it, as wrong as it was. The fire chief also told the EMT to make Newport News sign a Refusal to Grant the transfer of custody before taking me off of the Ambulance. Newport News officials told Chesterfield Co. officials that they would be sending another VAN from 2 hrs away to pick us up and Return us to the jail to be treated there. After being taken back to the VAN I explained to the Reporting officer MR. Smith how the Driver Deputy Carlson tried to leave the scene of the accident and how he ~~was~~ Refused to call 911 for our injuries and that the partner Deputy MRS. Alexander was instructed to stand outside the VAN as Deputy Carlson Attempted to drive out of the Ravine, Officer Smith then talked to MRS. Alexander alone (one on one), and MR. Deputy Carlson was charged with reckless driving. Finally at approx. 2:30 PM the Newport News VAN showed up to pick us up as I sat there all day

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and

in extreme pain, chained, shackled and cuffed just to have to endure the 2hr ride back to Newport News city jail.....

* My claims AGAINST The Newport News Sheriff's Office and Deputy E. Carlson, city jail officials are justified by the actions of the driver who ~~was~~ acted in GROSS negligence by ~~not~~ ^{NOT} seatbelt me while drowsy and falling asleep at the wheel and ~~then~~ ^{CRASHING} CRASHING and disregarding my pleas to help me by calling an ambulance for my injuries, while attempting to leave the scene of an accident, and then attempting to mislead the Reporting officer by not communicating the severity of the accident or our injuries for at least 45 minutes after the time of the accident. These facts will be supported by the crash report and testimony of not only 8 accident victims but also the Reporting officer and the Newport News Sheriff's Deputy Mrs. Alexander who was the partner and witness to all that happened prior to the Reporting officer Chesterfield Co. policeman officer Smith's ARRIVAL on the scene, 20 minutes after the accident.

Evidence will also support my claims that Newport News Sheriff's officials are complicit in there actions to deny medical treatment in an EMERGENCY situation by denying the Chesterfield Co. officials Requests for a transfer of Custody so that I may be Rushed to the hospital for immediate medical attention, thereby obstructing the Chesterfield Co. Emergency officials who were attempting to assist me ~~then~~ ^{IN} my medical Emergency.
 2. I will Cause by the blatant negligent actions of Deputy Carlson charged with ~~driving~~ ^{driving} driving

Claims Against Newport News City Jail Medical Dept.

4:30 PM

2-14-24

AFTER finally Returning to Newport News city jail where I WAS supposed to be treated for my injuries I was told by Newport News jail officials to fill out a ~~report~~ statement as to what happened, and I did so and signed and dated the document. I was seen by a nurse for a routine screen for entry ^{into} to the jail that consisted of a vitals check. The jail officials had not even communicated the accident to the medical Department because the nurse had no idea what I was talking about. I told the

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nurse the whole story and demanded to be taken to the hospital but she told me that ~~she~~ she doesn't have the authority to do so. She gave me some Tylenol and told me to fill out requests for sick call to medical.

I made several requests to be taken to the hospital that are documented between the dates of 2-14-24 and 2-28-24 which were filed within that two week stay at the jail before being transferred to Nottoway Corr. Center in the D.O.C.. They ^{N.N.} never took me to the hospital during my stay there and I filed a Grievance that is also documented in that two week stay.

I was finally given an xRAY on 2-24-24 ten days after the accident but 4 days later I was transferred ~~on~~ on 2-28-24 without ever seeing a doctor or finding ^{out} the results of the xRAY and without ever being treated.

*

My claim against the Newport News City Jail Medical Dept. is also ~~also~~ justified because Regardless of weather or not the jail notified the Medical Dept of the accident and my injuries, I still made several attempts to be treated or taken to the hospital which are also documented by way of Electronic Tablet Requests and explained in detail with the date of the accident.

These attempts to be properly treated for injuries sustained by the criminal negligence of Deputy Carlson, the driver, who was charged with reckless driving, were denied at every turn.

3.

Claim against Nottoway Cor. Center Medical Dept. in the Department of Corrections

On 2-28-24 I WAS transferred to Nottoway C.C. by Newport News Sheriff's Office along with my Medical file from Newport News Medical Department.

On or about March 2, 2024 I WAS sent to Nottoway Medical Dept. to see a doctor for a Routine medical Screening and I explained this story to

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him. He looked through my Medical file sent to him from NewportNews Medical Dept. and informed me that there were no X-RAYS or any mention at all of the accident or my injuries sustained from the events that occurred on 2-14-24.

I asked to be taken to the hospital or M.C.V. by way of Requests which are documented during my stay at Nottoway C.C. from 2-28-24 to 5-15-24. I was denied, and only given muscle relaxer and Tylenol.

* Even though Nottoway Doctors were not notified by NewportNews Medical Dept. or NewportNews Sheriff's Office of my injuries or the accident, I did. I have documented evidence of my attempts to be properly treated, but were also denied at every turn.

I am currently at St. Brides Corr. Center ^{→ 5/15/24 -} where this Medical Dept. has taken my injuries seriously and are attempting to properly diagnose them by way of CT scan that was performed on 8-8-24. Just ~~SIX~~ days shy of SIX months from the date of the accident. I am finally getting the proper ^{consideration} ~~treatment~~ Required under my civil rights. I'm currently awaiting the C.T. Reading by my doctor and further treatment thereafter.

H202-81-6
Stephan W. Quesenberry

V. RELIEF

I understand that in a Section 1983 action the Court cannot change my sentence, release me from custody or restore good time. I understand I should file a petition for a writ of habeas corpus if I desire this type of relief. SW (please initial)

The plaintiff wants the Court to: (check those remedies you seek)

SW ☒ Award money damages in the amount of \$ 1,500.000 mil.

☐ Grant injunctive relief by _____

☐ Other _____

VI. PLACES OF INCARCERATION

Please list the institutions at which you were incarcerated during the last six months. If you were transferred during this period, list the date(s) of transfer. Provide an address for each institution.

NEWPORT NEWS City Jail (7-5-23 to 2-28-24) 224 26th St.
Newport News, VA. 23607

Northway Cor. Center (2-28-24 to 5-15-24) P.O. BOX 488
Burkeville, VA. 23922

St. Brides Cor. Center (5-15-24 to 1-3-25) Arrival Release Date 701 Sanderson Rd
Chesapeake, VA. 23328

VII. CONSENT

CONSENT TO TRIAL BY A MAGISTRATE JUDGE: The parties are advised of their right, pursuant to 28 U.S.C. § 636(c), to have a U.S. Magistrate Judge preside over a trial, with appeal to the U.S. Court of Appeals for the Fourth Circuit.

Do you consent to proceed before a U.S. Magistrate Judge: Yes ☒ No ☐ SW. You may consent at any time; however, an early consent is encouraged.

VIII. SIGNATURE

If there is more than one plaintiff, each plaintiff must sign for himself or herself. SW.

Signed this 18th day of SEPTEMBER, 2024

Plaintiff Stephen D. Wilson #1003373